

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.

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LONG ISLAND OFFICE

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DANIEL MILLER, RANDY COLON,
HUGH SMITH, EDWARD VAIANA,
ELVI RODRIGUEZ, and TYRON MAYNOR,

Plaintiffs,

-against-

ORDER

12-CV-4466 (JS) (WDW)

COUNTY OF NASSAU, MICHAEL J.
SPOSATO, Sheriff of Nassau County,
ARMOR CORRECTIONAL HEALTH, INC.,
DR. KAY, M.D., DR. OMANU, M.D.,
DR. VINCENT MANETTI, M.D.,
NURSING ADMINISTRATOR HAILEY,
DR. SANTARELLI, DDS,

Defendants.

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APPEARANCES

For Plaintiff: Daniel Miller, 12003565, pro se
Randy Colon, 11004724, pro se
Edward Vaiana, 11006713, pro se
Elvi Rodriguez, 12005521, pro se
Tyron Maynor, 11009446, pro se
Nassau County Correctional Center
100 Carman Ave.
East Meadow, NY 11554

Hugh Smith, 12006323, pro se
Downstate Correctional Facility
Box F
Red Schoolhouse Road
Fishkill, NY 12524-0445

For Defendants: No Appearances

SEYBERT, District Judge:

Incarcerated pro se plaintiffs Daniel Miller ("Miller"),
Randy Colon ("Colon"), Hugh Smith ("Smith"), Edward Vaiana
("Vaiana"), Elvi Rodriguez ("Rodriguez"), and Tyron Maynor
("Maynor") filed an in forma pauperis Complaint on September 6,
2012, together with applications to proceed in forma pauperis for

each plaintiff. By Order dated October 4, 2012, the Court granted the in forma pauperis applications of Colon, Smith, Vaiana, Rodriguez, and Maynor and denied the application of Miller pursuant to the "three strikes" provision of 28 U.S.C. § 1915(g). Miller was directed to pay his pro rata share of the \$350.00 filing fee within fourteen (14) days of the date of the October 4, 2012 Order and was warned that failure to do so would lead to dismissal of the Complaint. (See Order, dated October 4, 2012, Seybert, D.J.) To date, Miller has not paid the fee nor has he otherwise communicated with the Court with regard to this case. Accordingly, Miller's claims are now DISMISSED without prejudice.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: November 20, 2012
Central Islip New York